



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: June 7, 2004
TO: Statewide Ballot Question Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **QUALIFICATION AND NON-QUALIFICATION
CAMPAIGN STATEMENT FILING**

--THE REPORTING WAIVER DOES NOT WAIVE THIS FILING REQUIREMENT--

Please read the following information to determine if your Ballot Question Committee is required to file a Qualification or Non-Qualification Campaign Statement.

Ballot Question Committees registered with the Michigan Department of State's Bureau of Elections are required to file a required Qualification/Non-Qualification Campaign Statement electronically via the Internet or by diskette if the committee spent or received \$20,000.00 or more in a calendar year.

Required Qualification Campaign Statement

Standing Together to Oppose Partial-birth-abortion (STTOP): If your Ballot Question Committee spent funds to support or oppose the legislative initiative sponsored by Standing Together to Oppose Partial-birth-abortion (STTOP), the committee must file a Qualification Campaign Statement no later than July 1, 2004. The Statement covers the committee's financial activity through June 24, 2004. The Reporting Waiver does not waive the filing requirement. (The initiative petition sponsored by STTOP was determined sufficient on May 27, 2004.)

Required Non-Qualification Campaign Statement

If your Ballot Question Committee spent funds to support or oppose the legislative initiative sponsored by any of the following groups, the committee must file a Non-Qualification Campaign Statement no later than June 30, 2004. The Statement covers the committee's financial activity through June 23, 2004. The Reporting Waiver does not waive this filing requirement.

The following organizations sponsored legislative initiative petitions that 1.) were approved as to form by the Board of State Canvassers and 2.) were not submitted by the May 26, 2004 filing deadline established for legislative initiative petitions.

- 1.) **Dads of Michigan PAC** –A legislative initiative to create a “rebuttable presumption that the award of joint legal and joint physical custody to the parties of a divorce is in the best interest of a minor child of said parties.”
- 2.) **People of Diversity United for Equality** – A legislative initiative to create a new law that would “protect citizens from racially biased jury trials.”

Campaign Statement Coverage Dates

- A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement filed is the earlier of the following two dates: (1) the date the committee accepted its first contribution or made its first expenditure or (2) the committee's formation date.
- A Campaign Statement's closing date is specified under the Campaign Finance Act. The "closing dates" of the Campaign Statements described in this notice are provided above.

Campaign Statement Forms

Campaign Statement forms and instructions are enclosed. Additional forms can be obtained by contacting the Michigan Department of State's Bureau of Elections, Post Office Box 20126, Lansing, Michigan 48901-0726. Phone: (517) 373-2540. Forms can also be found at the Secretary of State's website www.michigan.gov/sos.

Timely, Accurate Campaign Statements Required!

If the committee raised \$10,000.00 or less during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Qualification or Non-Qualification Campaign Statement remains unfiled up to \$1,000.00.

If the committee raised more than \$10,000.00 during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Qualification or Non-Qualification Campaign Statement remains unfiled up to \$2,000.00.

- A Qualification or Non-Qualification Campaign Statement filed on paper or by diskette that is hand delivered or sent by first class mail must reach this office before 5:00 p.m. on the filing due date. Committees must be sure to allow ample mailing time if sending a filing by first class mail.
- A Qualification or Non-Qualification Campaign Statement filed on paper or by diskette that is mailed by registered mail, certified mail or an overnight delivery service and postmarked on or before the filing deadline will be viewed as a timely filing regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are omitted, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear a proper signature, is not the proper size, or is presented in a computer format that has not been approved by the Department of State's Bureau of Elections.
- If filing on paper, the original Campaign Statement must be filed. No additional copies are needed.
- An electronically filed Qualification or Non-Qualification Campaign Statement must be received by the Department of State's Bureau of Elections by 5:00 p.m. on the filing deadline.

- A committee that files electronically via the Internet or by diskette is not required to submit a paper copy of the Campaign Statement.
- A committee planning to file electronically must use MERTS Plus software issued by the Department of State's Bureau of Elections.

Statement of Organization

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next upcoming Campaign Statement required of the committee. Therefore, if your committee is required to file the Qualification or Non-Qualification Campaign Statement, we urge you to review your committee's Statement of Organization before you file the Campaign Statement. If any information on the Statement of Organization has changed, be sure to file an appropriate amendment to the form no later than the filing deadline.

Dissolution Information

To be eligible for dissolution, a Ballot Question Committee must have no assets or outstanding debts. An unpaid late filing fee is considered a committee debt.

Funds leftover in a Ballot Question Committee's account may be returned to contributors, donated to another Ballot Question Committee, or expended in any legal manner. Funds may not be given to a candidate, political party, PAC or any other type of committee that supports or opposes candidates.

When a dissolving committee contributes all or part of its remaining funds to a tax-exempt charitable organization, it must provide this office with an acknowledgement letter or a receipt from the charitable organization to confirm that the contribution was received.

If the committee has a Reporting Waiver, it is dissolved by filing a single-page Dissolution Campaign Statement form. If the committee does not have a Reporting Waiver, it is dissolved by filing a detailed Campaign Statement with supporting Schedules. A Dissolution Campaign Statement can be combined with the Qualification or Non-Qualification Statement by checking item 8f on the cover page of the Campaign Statement form.

Merts Plus Software for Ballot Question Committees

The following reminders are offered for Ballot Question Committees that plan to use MERTS Plus software to electronically file Campaign Statements via the Internet or by diskette.

Questions concerning use of the software should be directed to MERTS Plus Tech Support at: (703) 749-4642 or sent by e-mail to techsupport@nicusa.com.

To assist you with the electronic disclosure requirement, a cost-free software program has been developed for committees. Details concerning the software program are provided below. All committees that file with the Bureau of Elections are encouraged to electronically file even if the committee does not expect to meet the \$20,000.00 receipts/expenditure threshold explained earlier.

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window. For expenditures made after the November 5, 2002 general election

to support or oppose an issue, a new election cycle will need to be created for each ballot issue (Section 1.4 of the MERTS Plus Manual). The election cycle begins on the day after the last general election and ends on the day of the general election.

- **Campaigns** – Make sure the correct campaign(s) are created in the Campaign Window for each issue supported or opposed by the committee. For expenditures made after the November 5, 2002 election to support or oppose issues, a new campaign will need to be created for each ballot issue (Section 1.5 of the MERTS Plus Manual). For specific dates, please refer to the Election Cycle Chart provided by the Bureau of Elections.
- **Reporting Periods** – A separate report record (with correct coverage period dates) must be created in the Reports Window for each Campaign Statement that will be electronically submitted by the committee (Section 1.6 of the MERTS Plus Manual).
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be filed until an original Campaign Statement has been electronically filed. If more than one amendment to a report has been created, each amendment must be electronically submitted in the order it was created.

Obtaining the Merts Plus Software

State level committees wishing to obtain the MERTS Plus software may apply on-line at the MERTS Plus web site (www.mertsplus.com). Both on-site and on-line software training options are available.

Questions?

If you have any questions please feel free to phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filings by first class mail, registered mail or certified mail.

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726

If you would like to visit our office or mail a filing by an overnight delivery service, the address below is provided.

Michigan Department of State
Bureau of Elections
1st Floor Treasury Building
430 W. Allegan St.
Lansing, MI 48918